

REMARKS

Claims 1 - 20 are in the application. Claims 1-17 and 20 are currently amended; claims 18 and 19 remained unchanged from the original versions thereof; and claims 21 and 22 have been cancelled. Claims 1, 16 and 20 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

Claim Rejections Under 35 USC § 112, 1st Paragraph

Claims 1-22 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Applicant respectfully submits that the pending claims (as presented and as currently amended) are enabling. Regarding the rejection under 35 USC 112, 1st paragraph, the Examiner alleges that the claims contain subject matter that was not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner asserts that the term "risk quotient" is not defined in a concrete manner that would enable someone to duplicate the invention.

Contrary to the Examiner's statements that the claims are not enabling, the Examiner, under the 35 USC 112, 1st paragraph rejection, states that the claims are formed to describe a concept and use old and well known, standard commonly used business risk analysis/management techniques as subjectively customized to each new problem. Applicant respectfully submits that it is contradictory that the claims be both (1) non-enabling and (2) old and well known. For example, if the rejected claims are old and well known (asserted by the Examiner, not admitted by Applicant) then Applicant need not word the claims with any greater specificity for one skilled in the art to understand, use, and make the invention.

Despite the apparent internal conflict and failings of the Examiner's statements, Applicant further responds to the rejection by directing the Office's attention to paragraph [0033] wherein Applicant discloses that a risk quotient can be calculated by assigning a numerical value representative of a risk associated with a particular piece of information. Applicant also discloses and claims that the subject information is associated with risk relating to at least one of legal, regulatory and reputational risk (paragraph [0019]). Further, Applicant discloses explicit examples of how to calculate the risk quotient in paragraphs [0033]-[0035].

Applicant refers the Examiner to paragraph [0034] where it is disclosed that "[F]or example, information received may indicate the ownership structure of a company is a public entity. A public entity may receive a numerical value of -5 because it is a relatively low risk ownership structure. In addition, this information may be included in a Company Profile category, wherein the Company Profile is assigned a category weighting of 3. Therefore, the net score for this information is -5 times 3 or -15. All scores within the Company Profile are summed to calculate a weighted risk score. Weighted risk scores from all associated categories are summed to calculate a total weighted risk score, or Risk Quotient." Applicant respectfully submits that the term risk quotient has been disclosed in terms that are enabling to those skilled in the art, as illustrated by the disclosed examples.

Further, Applicant respectfully submits that the claimed methods provide concrete results, being based on numerical values and numerical weights. As such, the claimed methods provide a mechanism to assess and manage risk associated with opening a client account. For example, the claimed risk quotient may provide an indication of the legal, regulatory and reputational risk of one business category versus a second business category (See paragraph [0033])

Applicant submits that many aspects of business management and analysis involves assigning, associating, calculating, and determining numerical values and quantitative indicators to various aspects of business information. Some of the business information may be related to or include aspects that may otherwise be

considered "subjective". Thus, there exists, in many business analysis and management contexts a need to devise a method to quantitatively and/or qualitatively express otherwise subjective related information. The fact that the business information may include or be related to seemingly subjective information does not make the methodology to assign or calculate a quantitative and/or qualitative value to the business information itself subjective. The claimed methods provide a reproducible, concrete mechanism to address business analysis and management problems that may include subjective information.

Accordingly, Applicant respectfully submits that the term "risk quotient" is fully enabled in the Specification and that the claims 1-20 are enabling under 35 USC 112, 1st paragraph. Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 112, 1st paragraph.

Claim Rejections Under 35 USC § 112, 2nd Paragraph

Claims 1-22 were rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Applicant respectfully submits that the pending claims (as presented and currently amended) are definite and particularly point out and distinctly claim the subject matter Applicant claims as the invention. Applicant clarifies that which is claimed as the invention by the amendments submitted herewith. Applicant notes that the claim language corresponds very closely with the plain language of the Specification.

It is further noted that the Specification includes explicit instances of specific guidance and implementation examples to one skilled in the art. For example, the Specification discloses at paragraphs [0033] – [0035] examples of calculating the claimed risk quotient. The explicit examples of the Specification are clear, concise, and unambiguous (as discussed in detail above regarding the rejection under 35 USC 112, 1st paragraph). Applicant has disclosed in detail what the risk quotient represents, what

the risk quotient is, and how to calculate the claimed risk quotient. Again, the claim language closely follows the clear teachings of the Specification.

As such, Applicant respectfully submits that the Examiner's assertion that the Specification is indefinite is overcome by the Specification. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 112, 2nd paragraph.

Claim Rejections Under 35 USC § 101

Claims 1-15 and 22 were rejected under 35 USC 101 for being directed to non-statutory subject matter. This rejection is respectfully traversed.

Currently amended independent claims 1 and 20 include recitations of a "computer system" and a "computer" in the body thereof, respectively. Accordingly, Applicant respectfully submits that claims 1 and 20 are in fact directed to statutory subject matter. Claims 2-14 depend from claim 1.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1-15 and claims 20 under 35 USC 101.

Claim Rejections Under 35 USC § 103(a)

Claims 1-22 were rejected as being unpatentable over U.S. Patent No. 6,421,653 B1 (hereinafter, May) further in view of Dowd, Beyond Value At Risk: The New Science of Risk Management, 1998 (hereinafter, Dowd). This rejection is respectfully traversed.

As a first matter, Applicant respectfully submits that the Examiner fails to particularly point out with any specificity those portions of the cited and relied upon May that support the rejection under 35 USC 103(a). Instead, the Examiner has only broadly and generally referenced a wide range of the May specification, columns 1-20. The Examiner completely neglects to state which portions or language of May, columns 1-20, provides support for the rejection. The Examiner repeats Applicants claim language

without reference to any alleged corresponding specific language in May. Thus, Applicant submits that rejection under 35 USC 103(a) is improper.

In an effort to advance the prosecution of the present application, Applicant addresses the cited and relied upon references under 35 USC 103(a). Applicant notes that May is directed towards a method and system for trading financial instruments, including derivatives. In particular, May provides a system that includes a credit preference feature configured to handle the significant long-term credit problems inherent in over-the-counter (OTC) derivatives transactions. The credit preference feature of May purportedly introduces a measurement unit of credit risk referred to as risk equivalent (RQ) which allows for different instruments to be compared on a like basis using a standardized measuring methodology, which together with the concepts of contract maturity, credit groups, classes, credit preferences, legal entities and business units allow the system 10 to offer a solution to the credit risks embedded in bilateral, term derivatives contracts. (May, col. 24, ln. 43-65) The risks disclosed and discussed at length in May is related to a credit risk. That is, a financial indicator based on a credit rating. May does not disclose or suggest method and system to calculate, assign or otherwise determine any one of a legal, regulatory or reputational risk associated with opening of a client account.

Therefore, it is clear that May does not address or relate to the same (or even similar) type of legal regulatory, and reputational risk information claimed by Applicant.

The Examiner cites and relies on Dowd for disclosing the concept of measuring risk in terms of values at risk related to the confidence level of the risk occurrence or expected value. The cited and relied upon Dowd in fact relates to a value at risk (VaR) value that is not the same as or suggestive of a legal, regulatory, or reputational risk associated with opening of a client account.

Therefore, Applicant respectfully submits that even if the cited and relied upon May and Dowd were combined as asserted by the Examiner (not admitted as feasible by Applicant), the resulting combination would not render the claims 1-20 obvious. This

is true since May and Dowd, alone and in combination, do not disclose or suggest, at least, calculating a risk quotient based on structured information and the weight associated with the risk quotient criteria, where the risk quotient criteria is associated with at least one of a financial, legal, regulatory, and reputational risk of opening the client account.

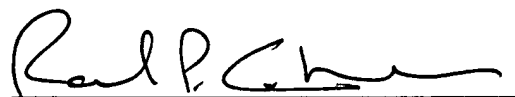
Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 103(a) for at least the reason that May and Dowd fail to disclose or suggest calculating any risk quotient based on at least one of a financial, legal, regulatory, and reputational risk of opening the client account.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date



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